

BARRITT SMITH LLP

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Attorneys for Defendants

SIRVA, INC., JOE JENIO, KEN WHELAN
SCOTT BLACK AND RAMON PADILLA

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

GABRIELLA LEMA,

Plaintiff,

vs.

SIRVA/NAL WORLDWIDE LOGISTICS, JUAN
CORTES, JOE JENIO, SCOTT BLACK, KEN
WHELAN, MARILYN BEASLEY, RAMON
PIDALLA, and DOES 1-10,

Defendants.

CASE NO.: C07 03631 (HRL)

DECLARATION RE:

- (1) **SERVICE OF PETITION/NOTICE
OF REMOVAL UPON
PLAINTIFF; AND**
- (2) **FILING OF NOTICE OF
REMOVAL IN ALAMEDA
COUNTY SUPERIOR COURT;**

BARRITT SMITH LLP
17310 RED HILL AVENUE, SUITE 140
IRVINE, CALIFORNIA 92614
949-553-0700

1 I, Douglas A. Barritt, declare as follows:

2
3 1. I am an attorney duly licensed to practice before this Court and before all of the
4 courts of the State of California, and I am a partner with Barritt Smith LLP, counsel of record
5 for defendant SIRVA, Inc. ("SIRVA"), Joe Jenio, Ken Whelan, Scott Black and Ramon
6 Padilla in this action. I have personal knowledge of the matters set forth in this declaration
7 and, if called as a witness, could and would testify competently thereto.

8
9 2. On July 13, 2007, I caused SIRVA's Notice of Removal of Civil Action to 28
10 U.S.C. § 1331 and 28 U.S.C. § 1441 (the "Notice of Removal") to be filed with this Court.

11
12 **NOTICE TO PLAINTIFF AND TO THE CLERK OF THE SUPERIOR COURT**

13
14 3. After filing the Notice of Removal with this Court, I caused Notice to Plaintiff
15 and to Clerk of the Alameda County Superior Court of Removal of Civil Action to United
16 States District Court for the Northern District of California (the "Notice to Plaintiff/State
17 Court") to be served upon plaintiff Gabriella Leman and to be filed with the Alameda County
18 Superior Court. A true and accurate copy of the proof of service for the Notice to
19 Plaintiff/State Court is attached as Exhibit A hereto.

ADDITIONAL PROOF OF SERVICE

4. Attached hereto as Exhibit B is a proof of service of the Notice of Removal upon plaintiff.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Irvine, California on July 16, 2007.

/s/Douglas A. Barritt

BARRITT SMITH LLP
17310 RED HILL AVENUE, SUITE 140
IRVINE, CALIFORNIA 92614
949-553-0700

EXHIBIT A

CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and am not a party to the within action; my business address is 17310 Red Hill Avenue, Suite 140, Irvine, California 92614.

On July 12, 2007, I served the foregoing document(s) described as **DEFENDANT SIRVA, INC.'S NOTICE OF REMOVAL OF CIVIL ACTION PURSUANT TO 28 U.S.C. § 1331 and 28 U.S.C. § 1441(b)** upon the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

**Gabriellea Lema
39183 Walnut Terrace
Fremont, California 94536**


() **(By U.S. Mail)** I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California.

() **(By Facsimile)** I served a true and correct copy by facsimile to the number(s) listed above (or on the attached sheet). Said transmission was reported complete and without error.

(X) **(By Overnight Mail)** I served a true and correct copy enclosed in a sealed Federal Express envelope addressed to the aforementioned person(s) marked for next business day delivery, and deposited the copy into a Federal Express depository.

(X) **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on July 12, 2007, at Irvine, California.



Douglas A. Barritt

EXHIBIT B

CERTIFICATE OF SERVICE

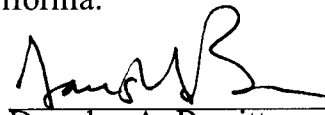
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On July 16, 2007, I served the foregoing document(s) described as **DECLARATION RE: (1) SERVICE NOTICE OF REMOVAL UPON PLAINTIFF; (2) FILING OF NOTICE OF REMOVAL IN ALAMEDA COUNTY SUPERIOR COURT; AND (3) FILING OF PROOFS OF** upon the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

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